

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

BETH ANN BRETTER, et al.,

v.

KAREN F. PEYTON

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CIVIL ACTION NO. 22-2509

ORDER

This 23rd day of September, 2022, for the reasons stated in the accompanying memorandum, it is hereby **ORDERED** that Defendant's Motion to Dismiss Plaintiff's Complaint, ECF 5, is **GRANTED in part and DENIED in part**, as follows:

- Defendant's motion to dismiss Count I is **GRANTED**, but without prejudice to Plaintiffs to the extent that they seek transfer to state court pursuant to 42 Pa. Cons. Stat. § 5103(b).
- Defendant's motion to dismiss Counts II, III, IV, and V is **DENIED**.

/s/ Gerald Austin McHugh
United States District Judge